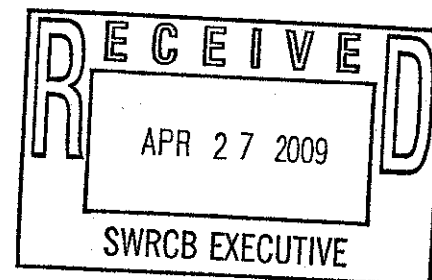




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April 27, 2009

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



Subject: Comment Letter-Landscape Irrigation General Permit

The Santa Clara Valley Water District (SCVWD) thanks you for the opportunity to review the State Water Resources Control Board (State Water Board) Statewide General Permit for Landscape Irrigation Uses of Recycled Water (General Permit) and associated draft Mitigated Negative Declaration (MND).

As Santa Clara County depends on groundwater for nearly half of all water used annually, protecting groundwater resources is a key SCVWD mission. The SCVWD also recognizes the value of recycled water for ensuring water supply reliability and is a strong advocate for the appropriate expanded use of recycled water. The SCVWD's commitment to both these objectives is demonstrated by the following SCVWD Board of Directors Ends Policies:

- E- 2.1.6: The groundwater basins are aggressively protected from contamination and the threat of contamination.
- E- 2.1.7: Water recycling is expanded within Santa Clara County in partnership with the community, consistent with the District's Integrated Water Resources Plan (IWRP), reflecting its comparative cost assessments and other Board policies.
  - E-2.1.7.1 Target 2010, water recycling accounts for five percent of total water use in Santa Clara County.
  - E-2.1.7.2 Target 2020, water recycling accounts for ten percent of total water use in Santa Clara County.

With these goals in mind, the SCVWD offers the following comments for consideration by the State Water Board:

**1) The General Permit and draft MND do not adequately address the protection of groundwater recharge zones and other sensitive groundwater areas.**

Item 2 of the General Permit states that while it is intended to streamline the regulatory process it may not be appropriate for all scenarios due to unique site-specific conditions. Similarly, Section 8.2 of the MND states that increased scrutiny of potential groundwater degradation should be afforded in areas where groundwater is especially vulnerable due to minimal separation to groundwater or very permeable soils. The MND considers, but dismisses as infeasible, the potential to identify zones of exclusion where the General Permit would not be applicable. Although the SCVWD agrees a comprehensive site



assessment is not feasible on a statewide basis, many Regional Boards, local water districts and other agencies have adequate hydrogeologic information to determine areas where coverage under the General Permit would not adequately protect groundwater resources. For example, San Francisco Regional Bay Water Quality Control Board Order 96-011 (General Water Reuse Requirements for Municipal Wastewater and Water Agencies) prohibits the application of recycled water in recharge areas.

Since additional mitigation or treatment may be required to protect sensitive groundwater areas, the SCVWD recommends that groundwater recharge zones and wellhead protection areas (as defined by local groundwater management agencies or water purveyors) be excluded from eligibility under the General Permit. At a minimum, we request that the State Water Board establish a process or criteria to identify areas that will require increased scrutiny to adequately protect groundwater resources. An example of a sensitive area in Santa Clara County is the Coyote Subbasin, which is the sole source of water for the local community and which has a depth to groundwater of less than 10 feet in many places.

**2) While reporting and monitoring requirements will help ensure groundwater degradation is minimized, the frequency should be reconsidered.**

Groundwater supplies nearly half of all water used in Santa Clara County annually, and is the sole source of drinking water in portions of the county. Therefore, the SCVWD is concerned with any potential degradation to our high-quality, high-use groundwater subbasins. For these reasons, we support State Water Board efforts to expand recycled water use in a manner that minimizes impacts to groundwater quality.

Section 5.8 of the MND finds that with regard to hydrology and water quality, all impacts will be less than significant or there will be no impact. These findings are largely based on the assumption of compliance with the prohibitions, requirements, and provisions in the General Permit, including the provision that recycled water will be applied at agronomic rates. State Water Board requirements for an Operation & Maintenance Plan/Irrigation Management Plan and monitoring will help to ensure the use of recycled water is occurring at agronomic rates and that the application of salinity constituents (by mass) is minimized. As this will minimize groundwater degradation and help to mitigate adverse impacts, the SCVWD generally supports these provisions.

The SCVWD supports monitoring as a means to ensure compliance with the General Permit. However, while daily monitoring may be appropriate initially, the frequency may be gradually reduced provided that the data demonstrates compliance with the General Permit and adequate protection of water resources. The SCVWD requests that the State Water Board consider amending the monitoring frequency such that it adequately balances the need to expand recycled water use with the protection of water quality.

**3) No mitigation measures have been identified.**

Although State Water Board staff is proposing that a mitigated negative declaration is appropriate for this project, no specific mitigation measures have been identified. As the hydrology and water quality impact findings related to violation of water quality standards (5.8a) and water quality degradation (5.8d) rely on compliance with prohibitions,

Ms. Jeanine Townsend

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provisions, and reporting and monitoring requirements, the State Water Board should consider some of these provisions as mitigation measures.

**4) Editorial comments**

- As the General Permit is specific to landscape irrigation, all references to groundwater recharge reuse should be removed (see discussion under Hydrology and Water Quality 5.8b).
- The Spanish translation of "Recycled Water - Do Not Drink" (Page 14, item 12) appears to be incorrect as "reclamada" means "protested." A more appropriate translation would be "Agua Reciclada - No Tomar."

Thank you for the opportunity to provide comments on the General Permit and associated draft MND. If you have any questions, please contact me at (408) 265-2607, extension 2080.

Sincerely,



Keith Whitman  
Deputy Operating Officer  
Water Supply Operations & Maintenance Division

cc (via email): B. Ahmadi, H. Ashktorab, V. De La Piedra, B. Judd, H. Barrientos, P. John, S. Zhu